

House File 2193 - Introduced

HOUSE FILE 2193

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 508)

A BILL FOR

- 1 An Act establishing a text messaging notification and payment
- 2 system for certain citations and informations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.8102, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 0105B. Facilitate the establishment of
4 a text messaging notification and payment system pursuant to
5 section 602.8106A.

6 Sec. 2. NEW SECTION. 602.8106A Text messaging notification
7 and payment system.

8 1. As used in this section, unless the context otherwise
9 requires:

10 a. "*Court debt*" means all fines, penalties, court costs,
11 fees, forfeited bail, surcharges under chapter 911, victim
12 restitution, court-appointed attorney fees or expenses of a
13 public defender ordered pursuant to section 815.9, or fees
14 charged pursuant to section 356.7 or 904.108.

15 b. "*Fine*" includes a fine, penalty, fee, surcharge, court
16 costs, or forfeited bail.

17 c. "*Text messaging*" means a text-based message.

18 2. a. The judicial branch shall contract with a private
19 vendor for the establishment of a voluntary notification and
20 payment system that utilizes text messaging for the delivery
21 of citation and complaint and information copies, for court
22 appearance reminders, and for the payment of fines for local
23 traffic violations, for simple misdemeanor violations of
24 chapter 321, or for other violations when no court appearance
25 is required prior to an admission of guilt.

26 b. The text messaging notification and payment system shall
27 account for the delivery of the citation and complaint or the
28 information when admitting to a violation pursuant to the
29 procedures established under section 805.9.

30 c. (1) Beginning July 1, 2018, through June 30, 2020,
31 notwithstanding any contrary provision of this section, the
32 judicial branch may contract with a private vendor to establish
33 a voluntary notification and payment system. If the judicial
34 branch contracts with a private vendor, the vendor contract
35 shall provide for a collection fee of up to six percent of the

1 amount of the fine, which percentage shall be negotiated by
2 the judicial branch. The collection fee shall be added to the
3 amount of the fine and shall be used to compensate the private
4 vendor.

5 (2) On or after July 1, 2020, the vendor contract shall
6 provide for a collection fee of up to six percent of the amount
7 of the fine. The collection fee shall be added to the amount of
8 the fine and shall be used to compensate the private vendor.

9 d. The text messaging payment system shall not be utilized
10 for the collection of delinquent court debt.

11 Sec. 3. Section 805.9, subsections 1 and 2, Code 2018, are
12 amended to read as follows:

13 1. In cases of scheduled violations, the defendant, before
14 the time specified in the citation and complaint for appearance
15 before the court, may sign the admission of violation on the
16 citation and complaint and deliver or mail a copy of the
17 citation and complaint, together with the minimum fine for the
18 violation, plus court costs, to a scheduled violations office
19 in the county, or utilize the text messaging notification and
20 payment system established pursuant to section 602.8106A.

21 The office shall, if the offense is a moving violation under
22 chapter 321, forward an abstract of the citation and complaint
23 and admission to the state department of transportation as
24 required by [section 321.491](#). In this case the defendant is not
25 required to appear before the court. The admission constitutes
26 a conviction.

27 2. A defendant charged with a scheduled violation by
28 information may obtain two copies of the information from the
29 court and, before the time the defendant is required to appear
30 before the court, deliver or mail the copies, together with the
31 defendant's admission, fine, and court costs, to the scheduled
32 violations office in the county, or utilize the text messaging
33 notification and payment system established pursuant to section
34 602.8106A. The procedure, fine, and costs are the same as when
35 the charge is by citation and complaint, with the admission and

1 the number of the defendant's driver's license as defined in
2 section 321.1 placed upon the information when the violation
3 involves the use of a motor vehicle.

4 Sec. 4. Section 805.9, subsection 3, paragraph a, Code 2018,
5 is amended to read as follows:

6 a. If the defendant wishes to admit the violation, the
7 officer may release the defendant upon observing the person
8 mail the citation and complaint, admission, and minimum fine,
9 together with court costs, to a traffic violations office in
10 the county, in an envelope furnished by the officer, or upon
11 observing the person utilize the text messaging notification
12 and payment system established pursuant to section 602.8106A.
13 The admission constitutes a conviction and judgment in the
14 amount of the scheduled fine plus court costs. The officer
15 may allow the defendant to use a credit card pursuant to rules
16 adopted under [section 805.14](#) by the department of public safety
17 or to mail a check in the proper amount in lieu of cash. If the
18 check is not paid by the drawee for any reason, the defendant
19 may be held in contempt of court. The officer shall advise the
20 defendant of the penalty for nonpayment of the check.

21 Sec. 5. Section 805.9, subsection 6, Code 2018, is amended
22 to read as follows:

23 6. The court costs imposed by [this section](#) are the total
24 costs collectible from a defendant upon either a hearing
25 pursuant to subsection 4, or upon an admission of a violation
26 ~~without hearing, or upon a hearing pursuant to subsection 4.~~
27 However, fees are collectible from the defendant pursuant to
28 section 602.8106A, if the text messaging notification and
29 payment system is utilized by the defendant.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill establishes a text messaging notification and
34 payment system for citations.

35 Beginning July 1, 2018, through June 30, 2020, the judicial

1 branch may contract with a private vendor for the establishment
2 of a voluntary notification and payment system that utilizes
3 text messaging for the delivery of a citation and complaint
4 and information copies, for court appearance reminders, and
5 for the payment of fines for local traffic violations, for
6 simple misdemeanor violations of Code chapter 321, or for other
7 violations when no court appearance is required prior to the
8 admission of guilt.

9 Beginning July 1, 2020, the bill requires the judicial
10 branch to contract with a private vendor to establish such a
11 voluntary notification and payment system.

12 When a person admits to a violation any time before a
13 required court appearance, the bill requires the text messaging
14 notification and payment system to account for the delivery
15 of the citation and complaint or information to the scheduled
16 violations office in the county. Current law requires the
17 citation and complaint or information be delivered or mailed to
18 the scheduled violations office in the county.

19 The bill permits the vendor contract to provide for a
20 collection fee of up to 6 percent of the amount of the fine,
21 which percentage shall be negotiated by the judicial branch.
22 The collection fee shall be added to the amount of the fine and
23 shall be used to compensate the private vendor.

24 The bill prohibits the utilization of the text messaging
25 payment system for the collection of delinquent court debt.